

REMARKS:

Claims 1-22 were filed in the original application. Claims 1-13 have been withdrawn as being directed to a non-elected invention. Hence, claims 14-22 are currently pending.

The Examiner objected to the Information Disclosure Statement because a concise explanation of the relevancy of the non-English language references EP 356,896, EP 470,116, and EP 664,715 was not provided. Hence, a supplemental IDS including said explanation is being submitted herewith, along with the fee under 37 CFR 1.17(p). The applicant believes that these references are now ready for consideration by the Examiner and further believes that none are material to patentability.

Claim 14 has been amended by the applicant to clarify, to the extent it was not already clear, that an instrument to be cleaned and sterilized is placed and engaged within the chamber of the invention.

Claims 14, 17, and 19-22 were rejected under 35 U.S.C. 102(b) as being anticipated by either Kasting, Jr. et al. (U.S. 5,520,893) or Holsclaw et al. (U.S. 6,482,370). The Kasting reference discloses an apparatus that circulates ozonated water through a sterilizing pan with the aid of a pump. There is no water reservoir separate from the sterilizing pan, nor is the pump a recirculation pump in fluid connection with a water reservoir. Moreover, the sterilizing pan is simply a container into which instruments are placed loose (i.e., without any means for engaging the instruments within the sterilizing pan).

In contrast, applicant's claim 14 includes "a pressurized water reservoir" in fluid connection with a "re-circulating water pump" and "a chamber adapted to connectorlessly engage [an] instrument placed within said chamber." Since all three of these elements are missing from the Kasting reference, claim 14 and all claims depending therefrom cannot be anticipated.

Similarly, the Holsclaw reference discloses an apparatus that generates ozone and circulates ozonated water through waterlines connected to dental appliances. Applicant's claim 14 includes "a chamber adapted to connectorlessly engage [an] instrument placed within said chamber." Since the Holsclaw reference completely lacks a chamber into which an instrument is placed and engaged, claim 14 and all claims depending therefrom cannot be anticipated.

Claims 14-22 were further rejected under 35 U.S.C. 102(b) as being anticipated by Guess (WO 02/32467). The Guess reference describes an apparatus for cleaning medical equipment through flowing ozonated water over the equipment surfaces. In the right margin of Fig. 1 of the Guess disclosure, "endoscope connector(s)" are disclosed as the only means for engaging the medical equipment (i.e., there are no other engagement means disclosed). As discussed above, claim 14 includes "a chamber adapted to connectorlessly engage [an] instrument placed within said chamber." Since the Guess reference completely lacks an engagement means other than the disclosed connectors, the recitation of "connectorless engagement" in claim 14 and all claims depending therefrom cannot be anticipated.

The connectorless engagement featured in the applicant's invention is important because contamination of any structure that is direct contact with the soiled ends of an instrument can persist and contaminate subsequently washed instruments. Thus, applicant's Fig. 4 and accompanying text disclose that preferably an instrument is mounted in the chamber in a "connector-less" fashion. Thus, unlike the narrow tubes used to inject liquid through the ends of an instrument in Guess' Fig. 1, the ends 72 of instrument 70 in applicant's Fig. 5 are not connected to any part of the chamber that might serve as a harbor for microbes.

Because the cited references lack elements found in the only independent claim (14), the applicant respectfully submits that none of the claims are anticipated.

The Examiner also rejected claims 15, 16, and 18 under 35 U.S.C. 103(a) as being unpatentable over Kasting, Jr. et al. or Holsclaw et al. in view of Guess (WO 02/32467).

As discussed above, none of these references, either alone or in combination, disclose all of the elements found in claim 14. Because claims 15, 16 and 18 depend from claim 14, the combination of the cited references also would not disclose all of the elements found in these claims. Since the prior art reference (or references when combined) must teach or suggest all the claim limitations, the applicant's claims cannot be obvious. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Moreover, even if the cited references did disclose all of the limitations found in claim 14, claims 15, 16, and 18 still would not be rendered obvious because the filter of Guess only is disposed upon the inlet of the water supply. Regarding claim 15, Guess does not teach or

suggest including a filter between the water source and a pressurized water reservoir (indeed, Guess merely discloses a water storage container, not a pressurized water reservoir).

Regarding claim 16, Guess does not disclose introducing ozone into the system before the water contacts the filter means. This is important because filters can become damaged, contaminated, and/or less efficient over time. Thus, the invention of claim 16 provides an extra measure of contamination control for the system by flowing ozonated water through the filter, both as a backup measure in case the filter is damaged and to insure that the filter itself does not become a source of contamination.

Regarding claim 18, Guess does not disclose locating a filter anywhere except at the water source inlet. In contrast, the multiple filter arrangement of claim 18 provides an extra measure of water decontamination at key points in the apparatus, i.e., at points where system contamination are likely to occur after a soiled instrument is treated within the chamber.

Accordingly, claims 15, 16, and 18 cannot be rendered obvious in view of the combination of Guess with Holsclaw or Kasting.

In view of the foregoing remarks, the applicant believes that the claims recite patentable subject matter. Should any issues remain, however, the undersigned attorney would welcome the opportunity to facilitate prosecution by holding a telephonic conference with the Examiner prior to further action.

Except for the fees due with the supplemental Information Disclosure Statement and a petition for a two-month extension of time, no fees are believed to be due. Should there be any unforeseen fees, please charge our deposit account, 170055.

Respectfully submitted,

Quarles & Brady Streich Lang, LLP

A handwritten signature in black ink, appearing to read 'Gavin J. Milczarek-Desai', written in a cursive style.

Gavin J. Milczarek-Desai
Reg. No. 45,801

520-770-8716 Phone
520-770-2235 Fax